

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
EARL S. WARD
ILANN M. MAAZEL
HAL R. LIEBERMAN
DANIEL J. KORNSTEIN
O. ANDREW F. WILSON
KATHERINE ROSENFELD
DEBRA L. GREENBERGER
ZOE SALZMAN
SAM SHAPIRO

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbawm.com

DIANE L. HOUK
EMMA L. FREEMAN
DAVID BERMAN
HARVEY PRAGER
SCOUT KATOVICH
MARISSA BENAVIDES
NICK BOURLAND
ANDREW K. JONDAHL
ANANDA BURRA
MAX SELVER
VIVAKE PRASAD
NOEL R. LEÓN

MEMORANDUM ENDORSED

May 4, 2021

Via ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Fair Housing Justice Center, Inc. v. Gotham Organization Inc., et al.*
No. 19 Civ. 4764

Your Honor:

We represent Plaintiff Fair Housing Justice Center, Inc. in the above-referenced action. We write, jointly with Defendants, to update the Court on the status of settlement discussion and seek to stay all discovery (currently scheduled to close on May 10, 2021) to allow the parties an opportunity to draft and finalize a settlement agreement. Accordingly, FHJC and the Gotham Defendants respectfully request leave until June 18, 2021 to submit to the Court an executed settlement agreement for the Court to so-order (accompanied with a cover letter detailing the basis for the Court's retention of jurisdiction) or, in the alternative if the parties are unable to finalize a written settlement agreement by that date, to provide the Court with a joint status report on or before June 18 including a proposal for a revised case management order including an extension of the current discovery deadlines.

After a productive multi-day mediation occurring between March 10 and April 21 with a JAMS mediator, and numerous discussions since then, FHJC and the Gotham Defendants have now reached an agreement in principle to resolve this matter. FHJC and the Gotham Defendants are drafting a settlement agreement. We anticipate that the drafting process will be time consuming because the agreement will include, as attachments, detailed and specific retrofits that the Gotham Defendants will make to The Nicole and The Ashland as part of the resolution of this matter; the settlement will also include other injunctive relief as well as a

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/4/2021

monetary component. Accordingly, we ask for 45 days to prepare and execute an agreement for the Court to so-order and to stay discovery in the interim.

As to FXCollaborative Architects, LLP (“Fx”), the architect, FHJC and Fx have had productive settlement conversations but have not yet reached an agreement in principle on all open terms. Accordingly, we respectfully request that, at this juncture, a stay of discovery should be in place as to Fx as well and we will inform the Court within a week, by no later May 11, 2021, as to the status of settlement discussions with Fx.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Diane L. Houk
Debra L. Greenberger


c. All Counsel of Record, *Via ECF*

Application granted. Discovery in this matter is stayed. By no later than June 18, 2021, Plaintiff and the Gotham Defendants are directed to submit an executed settlement agreement with a cover letter detailing the basis for the Court’s retention of jurisdiction, or a joint status report including a proposal for a revised case management plan and scheduling order. Plaintiff and defendant FXCollaborative Architects, LLP are directed to submit a joint status letter by no later than May 11, 2021.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 101.

SO ORDERED.

Dated: May 4, 2021
New York, New York



GREGORY H. WOODS
United States District Judge